

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE INTEL CORP. MICROPROCESSOR
ANTITRUST LITIGATION

MDL No. 05-1717-JJF

PHIL PAUL, on behalf of himself and all others
similarly situated,

C.A. No. 05-485-JJF

Plaintiffs,

CONSOLIDATED ACTION

v.

INTEL CORPORATION,

Defendant.

**DEFENDANT INTEL CORPORATION'S NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION**

Defendant Intel Corporation ("Intel") respectfully submits this notice of a decision recently issued by the U.S. Court of Appeals for the Eighth Circuit that supports Intel's Motion to Dismiss (MDL 05-1717 D.I. 311) (05-485 D.I. 221) the plaintiffs' claims arising from Intel's alleged foreign conduct for lack of subject matter jurisdiction. *In re Monosodium Glutamate Antitrust Litig.*, --- F.3d ---, No. 05-4303, 2007 WL 414358 (8th Cir. Feb. 8, 2007) (attached as Ex. 1).

In this decision, the 8th Circuit embraced the D.C. Circuit's ruling in *Empagran S.A. v. F. Hoffmann-Laroche, Ltd.*, 417 F.3d 1267 (D.C. Cir. 2005), *cert. denied*, 126 S. Ct. 1043 (2006), that in order to allege an antitrust claim based on foreign conduct, a plaintiff must establish that its claimed injury was proximately caused by a direct domestic effect of the foreign conduct. In doing so, the 8th Circuit rejected appellants'

argument – which were represented by Interim Class Counsel in this action – for a more lenient causation standard.

Respectfully submitted,

/s/ W. Harding Drane, Jr.

OF COUNSEL:

David M. Balabanian
James L. Hunt
Christopher B. Hockett
Nora C. Cregan
BINGHAM McCUTCHEN LLP
Three Embarcadero Center
San Francisco, CA 94111-4067
(415) 393-2000

Richard A. Ripley
BINGHAM McCUTCHEN LLP
2020 K Street, N.W.
Washington, D.C. 20006
(202) 373-6000

Dated: February 15, 2007

Richard L. Horwitz (#2246)
W. Harding Drane, Jr. (#1023)
POTTER, ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhhorwitz@potteranderson.com
wdrane@potteranderson.com

Attorneys for Defendant
INTEL CORPORATION